THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.6111 of 2007

Date: March 26, 2007

Between:
S.Somla, son of Savia,
aged 40 years, Occupation: Driver,
E.No.271623, resident of Yellamma Tanda,
Post: Rangapoor, Mandal: Manchal,
R.R.District.

… Petitioner.

And

1. APSRTC, Musheerabad, Hyderabad,
   rep. by its Managing Director
   and another.

… Respondents.

* * *

ORDER:

This writ petition is directed against the order passed by the Depot Manager, APSRTC, Bus Depot, Ibrahimpatnam, Ranga Reddy District dated 15.3.2007, whereunder the petitioner was removed from service of the Corporation as a disciplinary measure, since the petitioner involved in a motor accident resulted in death of a scooterist.

2. Learned counsel for the petitioner contended that this is not a case where the removal order could have been passed by the respondents. It is their own case that the scooterist, after skidding while crossing the speed braker, fell down and the scooter touched the bus and not the person. Therefore, the charge that the petitioner was lacking anticipation and not using the dipper switch of head lights, cannot be said to be a charge; even if it is proved it does not require removal from service.

3. There is no necessity of going into all the details. The petitioner

has an effective and alternative remedy of statutory appeal before the Divisional Manager, APSRTC, Hyderabad Division. Therefore, I deem it appropriate to direct the petitioner to avail the alternative remedy by filing an appeal before appropriate authority. May be this is a case where the charge is lack of anticipation and even if it is proved, it may not warrant passing of such a harsh punishment of removal from service. But, it is for the appellate authority to decide and not for this Court to say anything at this stage.

4. Therefore, the writ petition is disposed of directing the appellate authority to consider passing of any lesser punishment than that of removal in a case of this nature as is permissible under law.

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(C.V.RAMULU, J.)

Date: March 26, 2007.
BSB